

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 1200 (Menjivar) – As Introduced February 19, 2026

SENATE VOTE: 33-0

SUBJECT: Family daycare homes

SUMMARY: Defines an “infant” for purposes of family childcare home licensing, as a child under 18 months of age.

EXISTING LAW:

- 1) Establishes the California Child Day Care Facilities Act to create a separate licensing category for child day care centers and family day care homes within the existing licensing structure at the California Department of Social Services (CDSS). (Health and Safety Code [HSC] 1596.70 § et seq.)
- 2) Defines “family daycare home” to mean a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.
 - a) Defines “large family daycare home” to mean a facility that provides care, protection, and supervision for seven to 14 children, inclusive, as specified.
 - b) Defines “small family daycare home” to mean a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as specified. (HSC § 1596.78)
- 3) Authorizes a small family daycare home to provide care for more than six and up to eight children, without an additional adult, if all of the following conditions are met:
 - a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
 - b) No more than two infants are cared for during any time when more than six children are cared for.
 - c) The licensee notifies each parent that the facility cares for two additional schoolage children and that there may be up to seven or eight children in the home at one time.
 - d) The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented. (HSC § 1597.44)
- 4) Provides that, for a small family daycare home, the maximum number of children for whom care may be provided at any one time, including children under 10 years of age who reside at the licensee’s home, shall be one of the following:

- a) Four infants;
 - b) Six children, no more than three of whom may be infants; or,
 - c) More than six and up to eight children, without an additional adult attendant, as specified in HSC 1597.44. (22 California Code of Regulations [CCR] § 102416.5(b))
- 5) Authorizes a large family daycare home to provide care for more than 12 children and up to and including 14 children if all of the following conditions are met:
- a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
 - b) No more than three infants are cared for during any time when more than 12 children are cared for.
 - c) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.
 - d) The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented. (HSC § 1597.465)
- 6) Provides that, for the purpose of meeting the criteria for family daycare home ratios and capacity, “school age child” means a child who meets one of the following:
- a) Is enrolled in and attending kindergarten, including transitional kindergarten (TK), or elementary school; or,
 - b) Is at least six years of age. (22 CCR § 102416.5(i))

FISCAL EFFECT: According to the Senate Committee on Appropriations:

Unknown ongoing General Fund costs, potentially hundreds of thousands, for the California Department of Social Services (CDSS) for licensing administration.

COMMENTS:

Background: *Family Child Care Homes.* State law requires family child care homes to be licensed by CDSS to operate. To become licensed, an applicant is required to have training in preventative health practices (first aid/CPR), and obtain a California criminal record clearance or exemption, fire safety clearance, and specified immunizations. A licensee must be 18 years of age or older, and an assistant must be at least 14 years of age. Licensees are not required to have education in early childhood development; however, large family child care home licensees are required to have one year of experience. There are no requirements for square footage or space per child; however, family child care homes must comply with rules related to the physical characteristics of a property, such as a gate for stairs when serving young children and pool safety features.

After becoming licensed, a small family child care home licensee may provide care for up to eight children and a large family child care home licensee may provide care for up to 14 children, depending on the ages of enrolled children. Licensees must also adhere to ongoing

requirements, such as reporting requirements, staffing ratios, liability insurance, and annual licensing fees, among others. These requirements apply to all family childcare homes, regardless of whether a provider accepts reimbursement from a federal or state subsidized child care program.

Regulations define age ranges for children in various child care settings. There are three age ranges for family childcare. The infant age range is defined as a child under 2 years old. School-age is defined as either a child who is enrolled in TK, kindergarten, or elementary school; or who is at least six years old. While the age range between infant and school-age, representing children between 2 years old and school-age, does not have a formal name, these children are generally referred to as toddlers and preschoolers. This analysis will use the term “preschool age” for simplicity. These age classifications affect other parts of family childcare home administration, including reimbursement per child and adult-to-child staffing ratios.

This bill changes the definition of an infant in a family childcare home from a child under two years of age to be a child under 18 months old.

Family Child Care Ratios and Capacity. Requirements for minimum adult-to-child ratios and total licensed capacity are outlined in the Health and Safety Code and Title 22 regulations. The law establishes two types of family childcare home licenses, each with different standards. A small family childcare home may care for up to eight children under one of the following adult-to-child ratios:

- One adult to four infants.
- One adult to six children, with up to three infants.
- One adult to six children, two infants.
- One adult to eight children, with two school-age children and up to two infants.

A large family childcare home may care for up to 14 children under one of the following adult-to-child ratios:

- Two adults to 12 children, with up to four infants.
- Three adults, with up to four infants and six toddlers.
- Two adults to 14 children, with two school-age children and up to three infants.

A family childcare provider’s own children who are under 10 years old and reside at the home are counted toward adult-to-child ratios. Additionally, if no assistant provider is present at a large family childcare home, the licensee must comply with the capacity requirements for a small family childcare home.

This bill would effectively lower the starting age for the preschool-age category to include 18- to 24-month-old children.

Family Child Care Ratios and Group Sizes Report. Zero To Three and the National Association for Family Child Care published a report entitled *Ratios and Group Sizes Matter for Babies: Spotlight on Family Child Care*¹ in 2025. The report acknowledged that many family child care educators (providers) are leaving the field due to low compensation. The report emphasized that changing ratio and group size requirements compromises quality and does not address the underlying challenges faced by family child care educators. According to the report, family child care settings have nuances that make low ratios and small group sizes especially important:

- Small, family-like environments give educators more opportunities for one-on-one interactions, which support long-term language, social-emotional, and academic skill development.
- Extra supervision may be needed in home settings such as kitchens, family bathrooms, and yards that may not be specifically designed for children.
- Tailored activities in mixed-age groups with older children present ensure enrichment for each child's development.

The federal Administration of Children and Families issued a report² which recommended the following adult-to-child ratios: 1:6 for mixed-age groups, with no more than two children under 24 months old, and a maximum group size of 12 children; and 1:4 when all children are under 36 months old, with no more than two children under 18 months old, and a maximum group size of four children. The provider's own children under 6 years old should be included in the ratio. California's current regulations comply with or exceed these recommended ratios.

Transitional Kindergarten is the first year of California's two-year kindergarten program and is available at no cost to all 4-year-olds, regardless of family income. While the expansion of TK has benefited families by increasing access to free early education, it has also created financial challenges for many family childcare home providers. As older children leave family child care homes to enroll in TK and other early education programs, providers often lose a source of revenue. Older children require less supervision than infants and toddlers, allowing providers to care for more children while remaining within staffing ratios. As a result, family child care homes are generally more financially sustainable when they serve a mix of younger and older children rather than primarily infants and toddlers.

A 2025 report by the Public Policy Institute of California (PPIC) found that "providers indicated that [Transitional Kindergarten] was hurting enrollment and affecting their bottom lines." The report further explained that providers "could not immediately shift their focus to younger children due to licensing regulations. In other words, they could not simply trade a four-year-old slot for an infant due to differing staffing and training requirements for each population. Plus, even if providers were able to expand their infant programs, there would be a cost associated with doing so."³

¹ <https://www.zerotothree.org/wp-content/uploads/2025/02/ZTT-FCC-Ratios-Brief-Draft-9-25-25-2.pdf>

² https://acf.gov/sites/default/files/documents/ecd/caring_for_our_children_basics.pdf

³ ³ <https://www.ppic.org/publication/californias-changing-child-care-landscape-understanding-costs-and-supply/>

This bill seeks to address this issue by allowing providers to serve more children under two years of age, which could offset the loss of TK age children.

Author’s Statement: According to the Author, “California is in a childcare crisis with parents of the youngest children having the hardest time acquiring childcare. Oftentimes this is attributed to lack of funding and while funding plays a key role so do our regulations. Our current regulations only allow family child care providers to care for up to four infants and our State’s misaligned definition of infant has left children on waitlists for childcare that will outlive us all. By redefining the age range for ‘infants’ in family child care homes to be developmentally accurate like 44 other states do, [this bill] will allow providers to utilize their infant slots for children who are truly infants and their empty slots for children 18 months and older. Families shouldn’t have to wait forever to receive childcare. This bill does something now”

Equity Implications: Research has found that expanding subsidized care to all income- and work-eligible families of preschoolers could lower child poverty by 12% (Danielson and Thorman 2019). California has made concerted efforts to expand slots in the past six years. According to the California Budget and Policy Center, licensed family childcare homes have the largest share of enrollment in publicly funded child care.⁴ Meaning, our state’s low-income population, which includes recipients of the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage 1, CalWORKs Stage 2, CalWORKs Stage 3, Alternative Payment Program, General Child Care, Migrant Child Care, and Children with Severe Disabilities, is utilizing family child care options the most. As noted above, ratios do matter in the quality of care. If the state increases the ratio in these settings, and disproportionately impact families receiving subsidies.

Policy Considerations: *Can providers maintain or increase quality care and increase ratios for children under two years of age?* *This bill* would not allow a family childcare provider to serve more children in total. Instead, changing the infant age cutoff would reconfigure the maximum number of children allowed within each age bracket. This would increase the proportion of young children in a family childcare home within existing capacity limits.

According to the bill sponsor, moving 18- to 24-month-olds out of the infant age category would be more developmentally appropriate for these children. Whereas childcare centers have designated classrooms and activities for children of various age groups, family child care homes care for all children in a group setting. Family child care homes are considered more flexible because providers can better individualize learning activities, naptime, mealtime, and toilet training when there are fewer children in care. A child’s development informs how a provider interacts with and cares for a child. A child’s age informs how many other children a provider may supervise at the same time. The key distinction is not curriculum, but the level of caregiving required, which is determined by ratios and the ages of other children. As ratios increase, individualized care could become secondary to group management. *This bill* may address system-level pressures—low supply of infant care and loss of revenue due to competition with other programs for serving older children rather than children’s developmental needs.

⁴ https://calbudgetcenter.org/resources/california-families-need-a-variety-of-child-care-settings/?utm_source=mailchimp&utm_medium=email&utm_campaign=child_care_enrollment_by_setting&utm_source=General&utm_campaign=b1c411b6dd-EMAIL_CAMPAIGN_2026_06_16_07_37&utm_medium=email&utm_term=0_5dab1124f3-25c19794fc-610422091

Arguments in Support: Coalitions of supporters write: “[This bill’s] recategorization of “infant” in FCCH regulations to children under 18 months will produce cascading benefits... Freeing slots currently occupied by older toddlers gives parents of newborns real options instead of waitlists... The statewide shift to Transitional Kindergarten (TK) has left FCCHs with chronically empty spaces. Correcting the age definition allows providers to fill those slots and remain solvent without relying on additional subsidies. FCCHs are the most affordable, accessible, and culturally responsive option for working families. A 20% closure rate — driven in part by this misalignment — disproportionately harms low-income and minority communities, rural child care deserts, and families who depend on non-traditional hours and continuity of care... When licensed care is inaccessible, families turn to illegal arrangements like nanny shares that lack the safety protections FCCHs provide.

Arguments in Opposition: None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Save California Family Child Care (Sponsor)

Alicia Rich Ceeshas Childcare

Aljanabi Family Child Care

All Through a Child's Eye

Angel Day Care

Caterpillar Daycare

Cleide Lopes Family Child Care

Eliana Moore Family Child Care

Fannie’s Family Child Care

Foursha Family Daycare

Growing Minds

Jacobson Family Child Care

Ladybug Childcare

Les Petit Papillons

Little Blue Dolphins

Little Bubbles Daycare

Little Lion Preschool and Childcare

Little Monkey Preschool and Daycare

Little Shop of Learning

Little Sprouts Family Child Care

LittleSteps/BigSteps Family Daycare

Magic Time Daycare

Marin Family Child Care Association

Mika Little Cottage

Miller’s Preschool

New Look Painting and Decorating INC

Paco Family Childcare Home

Parkview Daycare and Preschool

Perfect Start Learning

Precious Treasures Daycare

Re’Optima Family Child Care

San Francisco Child Care Planning and Advisory Council
Shaver Family Child Care
Stacia Watson's Family Child Care
Teeny Tots Preschool
Thriving Families CA Foundation
Tui Daycare
Vanessa Kahn Family Child Care
Woodcreek Montessori
Yaya's Daycare

Opposition

None on file.

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